



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/901,277

07/09/2001

Osamu Nagata

SONYJP 3.0-798

7556

530 7590 08/13/2007
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

08/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/901,277	Applicant(s) NAGATA ET AL.	
	Examiner Aristotelis M. Psitos	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 34 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 34 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2627

DETAILED ACTION

Applicants' response of 6/14/07 has been considered with the following results.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 1,34 and 35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In particular:

I claim 1 has been amended to recite in the ultimate 4 lines of the claim:

"
and when any one of the series of associations does not include the group name, the first special code of that association is disposed adjacent to the second special code of that association. "

However, the examiner cannot readily map/ascertain where in the specification support for such limitation is found. Appropriate response is respectfully required.

Claims 34 and 35 depend from claim 1 and falls accordingly.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 1,34 and 35 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter, which applicant(s) regard as their invention.

As presented, amended claim 1 recites a record medium – a product with:

Art Unit: 2627

a) group names,
b) program names,
c) program numbers,
d) special partitioning codes, a first/one of the code(s) for partition elements b and c from each other, and another partitioning code for separating a from each other.

The claim (as now presented) includes a desired capability – “ ... is capable of”. The examiner interprets such to mean that the disc is writeable to.

Finally, the amended claim in the ultimate 4 lines attempts to define the disc when a certain condition is present. However, this does not follow from the structure claimed for the following reasons:

a) such limitations contradicts the limitations that precede these lines, i.e., group name is a define condition that exists.

b) there is no capability/how the record this condition is present. There is neither any elements (apparatus) nor steps capable of recognizing such a condition. Nor is such a condition the present since the group names are already in existence.

Dependent claims 34 and 35 fail to clarify the above and fall accordingly.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1 is rejected under 35 U.S.C. 103(a) as obvious over JP 10-336579 further considered with and Matsumoto et al.

The following analysis is made.

Claim 1:

MAT of JP document

A system readable and system writeable

a system is provided/disclosed

Recording medium wherein content is recorded and

that reads a recording medium

From which content is reproduced, said
recording medium comprising:

for reproducing the contents thereof.

a program area in which
a plurality of content programs, is recorded;
each one of the pluralities of content programs
being a respective portion of the recorded content;
and
a management area in which management
information is recorded, the management information
including:

area inherently present,
area other than the toc

toc table

first management information for
managing storage of a plurality of program
names whereby a given one of the plurality
of program names corresponds to
a particular one of the pluralities of programs recorded in
the program area; and

see paragraph 24 of MAT/ group list/name

second management information for managing storage
of a plurality of associations between a plurality of
program groups and the plurality of
content programs whereby a respective one of the plurality
of associations associates a given one of the plurality
of content program groups with specific ones of the plurality
of content programs and with a particular one of a plurality of
group names,

program names present
see paragraph 31 of the of content
the MAT & secondary ref,

Art Unit: 2627

each one of the plurality of content program groups being a respective grouping of the content programs, the plurality of associations being arranged in series using a first and second special codes, the first special code being provided within at least one of the plurality of associations in the series and partitioning program numbers corresponding to the content programs associated with a respective one of the plurality of content program groups and the group name associated with that content program group, and the second special code being provided between adjacent ones of the plurality of associations in the series, at least a portion of the second management information being capable of being modified to enable at least one of the series of associations to be edited, and when any one of the series of associations does not include the group name, the first special code of that association is disposed adjacent to the second special code of that association.

In the above analysis, the examiner interprets that the primary reference/base reference to the JP document lacks the specific mentioning of information/ special codes for "partitioning" as recited in the above claim. Since the record is rewriteable/recordable it is capable of being edited.

Nevertheless, as further taught in this environment by Matsumoto, the use/ability of having a plurality of special codes used for partitioning all manners of information are found. See the above description of the "delimiting" ability in Matsumoto et al starting at col. 1, lines 15-39 further describing figure 1 and col 3 lines 5-9. The examiner interprets the Matsumoto et al reference for teaching the ability of having appropriate delimiters (special codes) for designating separate fields of attribute information,

Art Unit: 2627

i.e., names, artist, music, tracks, etc. – see additionally col. 1 line 48 to col. 2 line 2. The partitioning described in the secondary reference is not limited to non-contiguous attributes.

With respect to the last 4 lines of the claim predicated upon a condition, i.e., no group name in existence, the examiner interprets this as a desired result and hence **MUST INHERENTLY** follow from the limitations previously recited in the claim.

Since the previous limitations have been met, this desired result, must also follow, else this desired result requires additional limitation(s) to permit such to occur.

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the above ground(s) of rejection. Whether the placing of the special codes so as to partition information adjacent to each other or not is not of patentable weight, i.e., the secondary reference describes the use of partitioning codes for their inherent ability. Normally, information, group information is adjacent to each other, see for instance the well-known English composition capability of having Chapters and under such a designation, information drawn to those chapters found at the beginning of any book.

With respect to the limitation predicated upon a capability, since the record in the primary source is writeable to, editing is capable of occurring.

With respect to the limitation as recited in the last 4 lines of the claim, see the above analysis.

5. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 as stated in paragraph 4 above, and further in view of Tanaka et al.

With respect to the identification that the content includes audio data, such is not clearly depicted in the base reference.

The secondary reference to Tanaka et al clearly teaches the ability of having audio data associated with, included with image data.

The ability of defining the contents of the program area to include, contain audio information is considered an obvious capability as further taught by the Tanaka et al system.

Art Unit: 2627

Response to Arguments

Applicant's arguments filed 7/14/07 have been fully considered but they are not persuasive. The dependent claim falls with its respective parent claim.

6. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 as stated above, and further in view of Official notice.

Although not clearly depicted in the base reference, the ability of providing information with respect to the range of contents in this environment is considered to be notoriously old and well known, and Official notice is taken thereof.

It would have been obvious to modify the base system as relied upon above with respect to claim 1 and modify such to include the additional attribute of range information. Furthermore, use of partitioning codes in order to partition such subsequent information such as range values, is obvious over the combined teachings, i.e., partitioning of informational attributes is taught by the secondary reference, and hence partitioning of subsequent attributes such as range values logically follows.

Response to Arguments

Applicant's arguments filed 7/14/07 have been fully considered but they are not persuasive. The dependent claim falls with its respective parent claim.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2627

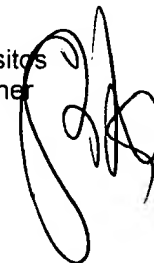
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-Thursday: 6:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aristotelis M Psitos
Primary Examiner
Art Unit 2627



AMP